

ORDINANCE NO. 1947

AN ORDINANCE OF THE CITY OF UPLAND APPROVING THE  
BALLOT LABEL FOR THE CITY OF UPLAND PARK MEASURE  
ON THE NOVEMBER 3, 2020 ELECTION BALLOT

A. RECITALS.

(i) On July 27, 2020, the City Council adopted Ordinance No. 1943 calling a special election on November 3, 2020 to submit to the City electors the question of abandoning and discontinuing use of an approximately 4.63-acre portion of Memorial Park (the "Park Parcel") so it may be sold to the San Antonio Regional Hospital. The "City of Upland Park Measure" has since been designated as Measure Q.

(ii) On August 18, 2020, the City was served with a petition for writ of mandate and injunctive relief in the matter of *Marjorie Benesh v. City of Upland et al.*, San Bernardino Sup. Ct. Case No. CIV DS 2016635 (the "Lawsuit"), in which the petitioner alleged, among other things, certain defects in the language of the ballot label for Measure Q as specified in Ordinance 1943.

(iii) On August 24, 2020, the City adopted Ordinance 1946 amending the Measure Q ballot label out of an abundance of caution and to ensure that the voters of the City have an opportunity to decide this question of public importance.

(iv) On August 25, 2020, the San Bernardino Superior Court, issued a ruling in the Lawsuit in which the Court said the ballot label still needed a "minor revision" and further revised it to read as stated in Section 2 of this Ordinance.

(v) All legal prerequisites to the adoption of this Ordinance have occurred.

B. ORDINANCE.

THE CITY COUNCIL OF THE CITY OF UPLAND ORDAINS AS FOLLOWS:

Section 1. Recitals. All facts set forth in the recitals above are correct.

Section 2. Revised Ballot Label. The City Council hereby approves the ballot label for the City of Upland Park Measure, also known as Measure Q, as revised by the Court to read as follows:

Shall the measure allowing the City of Upland to discontinue using approximately 4.63 acres of Memorial Park, thereby allowing the property potentially to be sold to San Antonio Regional Hospital for not less than \$4,300,000, which, if the sale occurs, would be used solely for public improvements to other portions of Memorial Park be adopted?	Yes
	No

Section 3. Effective Date. This Ordinance shall become effective immediately upon adoption pursuant to California Government Code Section 36937(a).

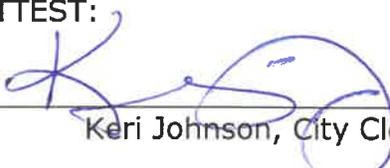
Section 4. Certification & Election Coordination. The City Clerk shall certify the adoption of this Ordinance and cause it to be published in the manner required by law. The City Clerk is further authorized, instructed and directed to take such actions as are necessary or appropriate to ensure that the revised ballot label for Measure Q set forth in Section 2 of this Ordinance is incorporated into all official ballots and in any other manner necessary in order to properly and lawfully conduct the election.

PASSED, APPROVED and ADOPTED this 26th day of August, 2020.

  
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Debbie Stone, Mayor

I, Keri Johnson, City Clerk of the City of Upland, do hereby certify that the foregoing Ordinance was introduced and adopted at a meeting of the City Council held on the 26th day of August, 2020, by the following vote:

AYES: Mayor Stone, Councilmembers Zuniga, Elliott, Velto  
NOES: None  
ABSENT: None  
ABSTAINED: None

ATTEST:  
  
\_\_\_\_\_  
Keri Johnson, City Clerk